

Board of Selectmen
Tuesday, April 2, 2013

A Board of Selectmen meeting was held on Tuesday, April 2, 2013 in Conference Room A at Rockport Town Hall, with five selectpersons and the Town Administrator.

7:00 Meeting Called to Order

Pledge of Allegiance and Moment of Silence

Interview of Paul Moginot for Reserve Police Officer: Selectperson Sheedy moved that the Board of Selectmen appoint Paul Moginot as a Permanent Intermittent Police Officer for the Town of Rockport, Selectperson Murphy seconded, Vote: 5-0.

Interview of Paul
Moginot for Reserve
Police Officer
Motion Approved

Essex County sheriff's department employee, who is filling the slot of an individual who didn't pass the physical activity test. P. Moginot said he lives on Curtis Street, and has been with the Middleton House of Corrections for seven years. He stated that he is working with the transportation division transporting individuals from different prisons and mental health facilities. He stated that he always wanted to be a Rockport police officer. He currently works 4pm to 12am and is available for other shifts and hours. The Chief of Police said he would be ready to begin work in approximately three weeks.

Approval of Minutes of March 12, 2013: Selectperson Fleming moved that the Board of Selectmen approve the minutes of March 12, 2013, Selectperson Murphy seconded, Vote: 5-0.

Approval of 3/12/13
Minutes
Motion Approved

Approval of Minutes of March 19, 2013: Selectperson Murphy moved that the Board of Selectmen approve the minutes of March 19, 2013 as amended, Selectperson Fleming seconded, Vote: 3-0.

Approval of 3/19/13
Minutes
Motion Approved

Amendment: Page 5, Selectperson Sheedy seconded the motion to adjourn, not Chairperson Battistelli.

Abstaining from voting are Chairperson Battistelli and Selectperson Wilkinson because they were not in attendance on March 19, 2013.

Selectmen Updates and Liaison Reports: Selectperson Sheedy stated that she attended the most recent special education forum. Discussed at the forum was controlling costs and meeting requirements. Selectperson Fleming stated it would be great to get cable TV to some other critical town meetings in the future.

Selectmen Updates
& Liaison Reports

Selectperson Wilkinson stated that she and the Town Administrator attended the Cape Ann Chamber Caucus on Education. She stated that elected officials from

local communities were in attendance as well as representatives from area High Schools and college representatives. The next meeting will be held in approximately 6 months. S. Wilkinson also attended the most recent DPW Commissioners meeting where the damage after the recent storms was discussed; it is between \$2.5 and \$2.7M. She stated that the DPW is in the process of prioritizing and planning.

It was stated that the second Addison Gilbert Hospital community forum is being held on 4/11/13 from 6-7:30 pm at the Cruiseport in Gloucester.

Public Comment
Period

Public Comment Period: Toby Arsenian, 95 Granite Street, spoke about Article 6, \$55,000 for parking meters. He stated that he has brought up his concerns in the past; he stated that the meters emit waves or vibrations similar to cell phones. He is requesting that the Board of Selectmen have the Board of Health review this. He stated that he understands these meters will generate greater revenue. He objects to the process that is being followed. He also spoke about Article K, the Sediment Transport Study for Long Beach. He stated that when DPW Commission Chairman J. Gardner presented this to the Board of Selectmen, it is not just a sediment transport study, they are armoring the back of the seawall, and the possibility of putting the cottages on stilts, etc. The Article is not accurate as written, if J. Gardner can't reword the article, it should be withdrawn. He doesn't know how the town is going to pay for all of this. After the leases are negotiated, we will know better.

Town Administrator's
Report

Town Administrator's Report: M. Vieira, Asst. to the Town Administrator, stated that the Town Meeting Voters booklet has been completed, the Town Administrator spent weeks putting it together, they should make Town Meeting run more smoothly. Orange voter cards should make it easier for the Town Moderator to recognize someone who wishes to speak. He stated that the Annual Town Report books are here and are ready for distribution. There have been multiple power outages; this has caused problems with the services. IS and T has been reviewing the various servers in town hall to be sure they are working at optimum levels. UPS systems so when there are power outages, it will eliminate hard crashes. He stated that new protocols are being developed around the dissolution of a department, oversight of director and resolving any potential conflicts. The fire access roads are being followed-up by Jack Porter, recommendation and photographs for fire access roads around town. Some require street signs be moved, private property ones are being reviewed. Two parking spaces will be lost in the area of the Senior Center, there are bottlenecks in that spot; the ladder truck needs to make the corner. Request some usage data from the Senior Center.

7:40 Action List

Action List

Annual Town Election Warrant: Selectperson Wilkinson moved that the Board of Selectmen approve and sign the warrant for the May 7, 2013 Annual Town Election, Selectperson Murphy seconded, Vote: 5-0.

Annual Town
Election Warrant
Motion Approved

Police Academy Exemptions for Reserve Officers: Selectperson Sheedy moved that the Board of Selectmen ask the Chairperson and two Selectpeople to sign petitions to the Massachusetts Police Training Committee for an exemption from the full time police academy requirement for two Police Reserve Officers, Selectperson Murphy seconded, Vote: 5-0.

Police Academy
Exemptions for
Reserve Officers
Motion Approved

Appointment of Scott Mullen as Technical Support Specialist: Selectperson Fleming moved that the Board of Selectmen appoint Scott Mullen as a Technical Support Specialist in the IT Department as an employee at will, Selectperson Murphy seconded, Vote: 5-0.

Appointment of
Scott Mullen as
Technical Support
Specialist
Motion Approved

The Asst. to the Town Administrator said this was the first interview process that included the Personnel Committee and it worked out very well.

Permission for Motif No. 1 Day: Selectperson Murphy moved that the Board of Selectmen grant permission for the Rockport Festivals Committee to hold Motif No. 1 Day on Saturday, May 18, 2013, Selectperson Sheedy seconded, Vote: 5-0.

Permission for
Motif No. 1 Day
Motion Approved

Outdoor Display Permits: Renewal of Outdoor Display Permits: Selectperson Wilkinson moved that the Board of Selectmen approve and sign Outdoor Display Permit renewals for the Kaihlanen Gallery, China Gifts International at 1 Bearskin Neck, China Gifts International at 23 Bearskin Neck, John Tarr Store, Alikat, The Prince & The Pauper, Sweetwater & Company, Artesano's at 6 Bearskin Neck, Artesano's at 33 Bearskin Neck, The Blue Lantern, Katie's Gift Shop, and Tidal Edge Gallery, Selectperson Sheedy seconded, Vote: 5-0.

Outdoor Display
Permits
Motion Approved

Selectperson Fleming stated that she spent some time today reviewing what initially these groups said they were going to display and what is actually being displayed. She stated that China Gifts International has a simple frame, but often times they have things hanging all around the door, and Artesano's sometimes has additional items outside their shop.

Chairperson Battistelli recommended sending a note to the shop owners after the town meeting vote to change the fines. Selectperson Murphy wanted to reiterate that too much time is spent on outdoor display violations at Board of Selectmen meetings.

Schedule April 9 and May 21 Workshops: Selectperson Sheedy moved that the Board of Selectmen agree to hold two workshop meetings and schedule them on April 9th and May 21st, 2013, Selectperson Fleming seconded, Vote: 5-0. The April 9 workshop will be for parking and the Google calendar. Selectperson Murphy inquired about, in the future, holding workshop meetings on a Saturday morning rather than an evening meeting during the week. Also, the possible retreat in the summer months too. The Town Administrator inquired if one half of an hour would be a sufficient amount of time for the Saturday pre-town meeting. Town Council will be in attendance as well.

7:55 Discussion Items

Cape Ann Tool Chapter 91 License: Chairperson Battistelli stated that the state is reviewing it as an amendment; the standards that need to be met are still the same. The Conservation Commission has voted and sent a letter to the state requesting that a public hearing be held. While they're having a public comment period which has started already, the Board of Selectmen could ask the state to hold a public hearing. The new proposal includes some issues that include the water.

Selectperson Sheedy stated there are some water issues (floats, water taxi, etc.) holding a public hearing would be a good thing, she stated that she would support sending a letter to DEP asking that a public hearing be held.

Selectperson Murphy inquired if there is any precedence for this, with an existing license; it's an amendment to an existing license. He continued that we want to do what's right, but don't want to put these folks through a series of things that we wouldn't request of anyone else. We want to get the project going, but it needs to be done correctly.

Selectperson Fleming said in a letter from Hank Betts and the Planning Board it was stated that since it's water related with slips for boats, they were hoping for a public hearing. Chairperson Battistelli stated that the plan has different uses on land as well. There are some 14 separate lots. That may raise some issues on public access, as opposed to the townhouse structure. This would only require one public hearing during the public comment period. Selectperson Wilkinson stated that she has already been receiving comments from people, so why not open it up for public comment now.

Attys. Brian Cassidy and Jamy Buchanan Madeja are here to comment for the applicant. B. Cassidy said there has been a lot of commentary on this. They have met with the Open Space Committee, they are meeting with the Conservation Commission Thursday night and the Planning Board tomorrow night. With regard to a DEP public hearing on Chapter 91 issue. The amended license still

has the bathroom facilities in place and the harbor walk. The park area is being eliminated in exchange for floats and slips along the wall. There will be a public hearing in town before the Conservation Commission regarding the floats, new order of conditions, it's appropriate for everyone to comment to the DEP. This would slow down the process; this could be tied up for a substantial amount of time. It could be a lengthy public hearing at the DEP level and delay the project.

Chairperson Battistelli stated that they said they could fast track the public hearing in about one month.

Atty. Cassidy stated that this was thoroughly vetted during original license, however the new plan has the elimination of a park, and additional water uses. Rather than another level of public hearing, no DEP level public hearing is necessary.

Selectperson Fleming said there is a need for a public hearing.

Selectperson Sheedy said there is no opportunity for the public to ask questions.

Jamy Buchanan Madeja, Esq. said a public hearing for DEP is not an exchange of information. It's a relatively careful, professional body. She said that the applicant presents, they sit, listen and take notes, it's rare that there's an exchange. The Conservation Commission has not voted on a public hearing yet, they will vote tomorrow night. She stated that they are looking for solutions to some problems that were raised by the harbormasters. It is commonwealth waterways, but we don't see this as a state-level matter. She is requesting that a public hearing on the DEP level not be requested. She is hearing favorable comments from residents about what is being proposed for the site.

Chairperson Battistelli stated that we want the site improved, we want the buildings down, and we want the property on the tax rolls.

Toby Arsenian, 95 Granite Street, stated that he disagrees with Jamy, Chapter 91 licenses do allow public comment. All local issues will not be dealt with by the Conservation Commission, access and ownership issues will not be handled by the Conservation Commission. Harbor Plan, Phase 1, says the Board of Selectmen will only support Chapter 91 licenses. We're losing a park, we're not going to have a walkway for the full length, two slips for transient boaters, the rest are for the residents.

Selectperson Fleming stated that T. Arsenian raises valid points. She questioned who controls the boat slips.

Selectperson Wilkinson stated that someone needs to have a hearing that includes more than the Conservation Commission.

Chairperson Battistelli said that people can write written comments; she doesn't see this as onerous.

Jamy Madeja, Esq. stated that MEPA had delivered notices, to anyone who commented on the old project, every effort was made to include everyone in the former process.

Chairperson Battistelli stated that there are only seven to eight abutters to the property. This should be moved along as soon as possible.

Frederick Tarr, 154 Main Street stated that this is a completely different project. This plan has gone from a few condos to thirteen homes; the lot sizes are different. He questioned if the dockages will go with the townhouses.

Selectperson Fleming stated that since there is no Gloucester Times representative here this evening, how about the Board of Selectmen writing a public letter in the paper.

Town Meeting Run Through with Moderator

Robert Visnick stated that has been working with the Town Administrator's office and the new Town Meeting Voters booklet. Comment from residents asking that information about various groups be distributed or available at Town Meeting. It was stated that if one group is allowed, all will need to be allowed. It's a decision for the School Superintendent whether these informational materials will be available at Town Meeting. The Town Moderator would prefer to stay on task. The Town Clerk stated that she is all set for Town Meeting.

Resolution for Town Meeting, a presentation to an individual, will be read by a Board of Selectmen member.

Special Town Meeting, they're all somewhat related. We go through them all together and follow the order of the book. L. Sanders will be reading. People should feel comfortable asking questions.

Annual Town Meeting: a lot of related by-laws, Finance Committee, Article H should go last. N, O, P, and Q are by-law. R and S are leases.

W and X are reports.

Selectperson Fleming questioned if the water report will be presented. The Moderator and Town Administrator stated they had not heard anything about this.

Motions for STM: Pat Brown, Town Clerk, stated that it would cost \$14,000 to rent clickers for one town meeting.

Town Meeting Run
Through with
Moderator

Motion to Article B:

5a and 5b by Mike Hughes

Motions for 6 by Wally Hess

Lottery system:

Motion for Article A – still no amount for Chapter 90; may not have specific amount in time for Town Meeting. The Town Administrator said that the funds are cumulative, the town receives it yearly. How about changing the motion to read “expend the sum of money that is made available to the Town...”. L. Sanders will rewrite.

Article B – Action, Inc., contact Action to see if they intend to speak at Town Meeting.

D & E, the Town Administrator will read.

F – page 57, Diane can answer questions, L. Sanders will make motion.

G – requires a 2/3 vote, transfer

H – is last because the amount may change.

I – may take a while, Millbrook (10 minute maximum)

J – DPW will not speak unless necessary

K – DPW Commissioner Gardner will speak on this one

L – Diane will present

M – senior tax exemption

N – Criminal History Check Authorization (Chief McCarthy, or Selectpersons Murphy or Fleming may speak)

O – Outdoor displays - \$200 fine

P – changing dates of town meeting – a brief explanation

Q – Chapter 3 of the Code of Bylaws

R - Selectperson Wilkinson, Long Beach lease term

S – 51 years (Selectperson Sheedy to present)

T – DPW Chair J. Gardner, Bedrock Well

U – Planning Board, if explanation is necessary

V – Hank Betts

W – Ad hoc committees

X – Town Administrator will read

Warrants signed:

Warrant signed for the Fiscal Year 2013 Payroll and Expenses for the week of 4/4/13 in the amounts of \$525,191.87 and \$1,672,917.21 respectively.

Items Signed:

Rockport Police Dept. Temporary Exemption

Resolution for Roger Lesch

Inn Holders License – Joseph Allen – Bearskin Neck Motor Lodge

Warrant for Annual Town Election

Outdoor Display Permit - Kaihlanen Gallery

Outdoor Display Permit - China Gifts International

Outdoor Display Permit - John Tarr Store, 43 Main St

Outdoor Display Permit - Sea Stores, Inc., 2 Bearskin Neck

Outdoor Display Permit - The Prince and the Pauper, Marc Prince

Outdoor display Permit - Sweetwater & Co., 32 Main St

Outdoor Display Permit - Artensano's

Outdoor Display Permit - The Blue Lantern

Outdoor Display Permit - Katie's Gift Shop

Outdoor Display Permit - Tidal Edge Gallery

Common Victualler's License Myalisa R. Warning, The Lobster Pool

Entertainment License, Myalisa Warning

9:43 Selectperson Fleming moved to adjourn, seconded by Selectperson Murphy.
Vote: 5-0.